

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *JK* D.C.

05 AUG 22 PM 2: 36

UNITED STATES OF AMERICA

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

v.

No. CR-02-20027

Judge Breen

FREDDIE PETERS,
Defendant

ORDER AMENDING AMENDED JUDGMENT

The defendant moved by motion filed July 26, 2005, the court to amend the "Amended Judgment in a Criminal Case: signed July 6 and docketed July 7, 2005 (Docket Entry No. 133) to include a statement as to the time of federal custody on this matter. The government has not filed any opposition to this motion.

It appears to the court that the defendant has not been given various credits even though the government and the defendant agree as to the defendant's time in federal custody on this matter. As pointed out in the defendant's position paper concerning the re-sentencing, he had served 856 days of this sentence at the time of the re-sentencing.

According to the United States Marshal for this district, Mr. Peters should be credited with the following time served in federal custody on this matter:

Peters was taken into federal custody on this case from the State of Tennessee on February 26, 2002, pursuant to a writ. He remained in federal custody at the West Tennessee Detention Center at Mason through his trial and sentencing, and was returned to

the custody of the State of Tennessee on December 16, 2003. This is a period of **294** days.

After being release from the custody of the State of Tennessee, he was taken back into federal custody on December 17, 2003; he again was housed temporarily at Mason. He remained at Mason until he was turned over to the Bureau of Prisons on February 2, 2004. This period of housing again at Mason was **48** days. He therefore served **342** days before going into the Bureau of Prisons system.

From February 2, 2004 (when he entered the Bureau of Prisons system) to June 30, 2005, the date of re-sentencing, is a period of **514** days.

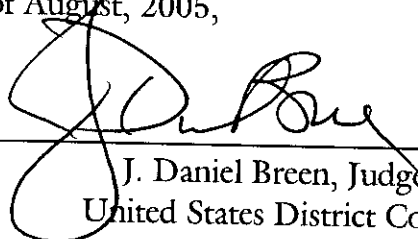
Therefore, the total time spend in federal custody on this matter is **856** days as of June 30, 2005, the date of the re-sentencing.

Under the local rules of this Court, the government ha 11 days after the motion was served to file any objection to the defendant's motion. The government has filed no response or opposition at all.

Therefore, for good cause shown, it is hereby **ORDERED** that the Amended Judgment docketed July 7 is hereby further amended to include the following language:

The Court finds that the defendant has been in federal custody in connection with this case for a total period of 856 days through June 30, 2005, the date of re-sentencing and orders that he receive credit towards the service of this sentence of those 856 days as of June 30, 2005."


Enter this 19th day of August, 2005,



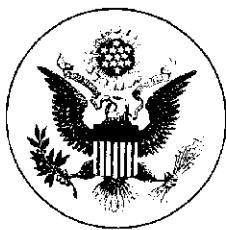
J. Daniel Breen, Judge
United States District Court

Approved:

THOMASON, HENDRIX, HARVEY,
JOHNSON & MITCHELL, PLLC

By: 

Kemper B. Durand
CJA Counsel for Freddie Peters



Notice of Distribution

This notice confirms a copy of the document docketed as number 140 in case 2:02-CR-20027 was distributed by fax, mail, or direct printing on August 22, 2005 to the parties listed.

Kemper B. Durand
THOMASON HENDRIX HARVEY JOHNSON & MITCHELL
40 S. Main St.
Ste. 2900
Memphis, TN 38103--552

Linda N. Harris
U.S. ATTORNEY'S OFFICE
167 N. Main St.
Ste. 800
Memphis, TN 38103

Honorable J. Breen
US DISTRICT COURT